



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty First day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22647 of 2018

1 D. MURUGAN
2 P. POOLPANDI
3 P. AYYASAMY @ AUTORAJ
4 S. SUBRAMANI
5 A. GANESHAN
6 R. DURAIPANDY
7 M. KALIPANDY
8 M. VETRIVEL

... PETITIONERS / ACCUSED NO.1 to 3 & 5 to 9

Vs

THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO 367 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUMALAI RAJA, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused 1 to 3 and 5 to 9, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 447, 294(b) & 506(ii) IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 in Crime No.367 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 to 4 along with some other unknown persons entered into the work site of defacto complainant along with aruval and kambu, threatened him by using filthy language and also criminally intimidated him to vacate from the site immediately. When some persons threw stone on the front side of the Hydra Vehicle and thereby caused damage to the mirror to the tune of Rs.10,000/-.



3.The learned counsel for the petitioners submits that the petitioners are innocent and they had nothing with the alleged crime. Hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, no one sustained injury and investigation is going on. He would further submit that the defacto complainant should be compensated for the damages sustained by him.

5.Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.II, Kovipatti, Thoothukudi District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] Each of the petitioners shall deposit a sum of Rs.1,000/- (Rupees one thousand only) to the credit of Cr.No.367 of 2018 on the file of the respondent Police;

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent Police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
21/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.MUTHUMALAI RAJA Advocate SR.No.23930

ORDER
IN
CRL OP(MD) No.22647 of 2018
Date :21/12/2018

AMS/PN-AC/S-3/28.12.2018/3P/6C